



RESOLUTION

WHEREAS, Tropicana Homes, Inc., by and through its engineer/representative CEA Engineering, submitted a preliminary plat application for Sunset View Unit 3 on February 17, 2004;

WHEREAS, the Sunset View subdivision herein described includes a portion of Ethel Road, such right-of-way proposed for vacation by Tropicana Homes, Inc. pursuant to vacation application No. SV04003;

WHEREAS, vacation of Ethel Road is discretionary and subject to determination by the El Paso City Council based upon need as well as the health, safety, and welfare of the citizenry;

WHEREAS, Tropicana Homes, Inc. desires to proceed forward with processing of the Sunset View Unit 3 subdivision application, including all portions of Ethel Road included within that application, through final plat processing, in anticipation that Ethel Road will be vacated; and

WHEREAS, Tropicana Homes, Inc. has asked the City of El Paso to sign the plat applications, because of its interest in the public right of way, with the understanding that Tropicana Homes, Inc. proceeds forward at its own risk which includes, but is not limited to the following considerations: 1) any subdivision improvement work done on lands contained within Sunset View Unit 3 done prior to approval of the vacation of Ethel Road is at Tropicana Homes, Inc.'s own risk that City Council will not approve the proposed vacation of Ethel Road and that a new subdivision plat with differing subdivision improvement plans will thus become necessary; 2) approval or denial of any vacation ordinance, including SV04003,

is within the discretion of the El Paso City Council; 3) Should SV04003 be denied, the Mayor is not authorized by this resolution to sign a recording plat on behalf of El Paso's ownership interest in Ethel Road; and 4) should SV04003 be denied, Sunset View Unit 3 will require revision to exclude Ethel Road;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF EL PASO:**

That the Mayor be authorized to sign, on behalf of the City of El Paso because of its interest in Ethel Road, preliminary and final plat applications for lands contained within the Sunset View Unit 3 Subdivision as same may be amended or divided, any such amendment or division containing all or part of the portion of Ethel Road now included in the Sunset View Unit 3 preliminary application as more fully described by survey and metes and bounds included as attachment "A".

ADOPTED this 30th day of MARCH, 2004.


THE CITY OF EL PASO

Joe Wardy
Mayor

ATTEST:


Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:



Matt Watson
Assistant City Attorney

APPROVED AS TO CONTENT



Rudy Valdez, Chief Urban Planner
Planning, Research and Development
Department